

R 021448Z JAN 09
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 4525
INFO DIR ONDCP WASHINGTON DC//OR//
DEA HQS WASHINGTON DC
USCBP WASHINGTON DC
HQ BICE WASHINGTON DC
FBI WASHINGTON DC
AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTO DOMINGO
AMEMBASSY PANAMA
AMEMBASSY TEGUCIGALPA

UNCLAS MEXICO 000001

STATE FOR INL/LP AND WHA/MEX
DEA FOR OD, OF, OFC, AO, DO, NPSM
FBI DIR FOR LA/CU, OC/DB, OIU, CID

E.O. 12958: N/A

TAGS: [SNAR](#) [KCRM](#) [KJUS](#) [PGOV](#) [PREL](#) [MX](#)

SUBJECT: GOM Views on Next Steps in Regional Precursor Control Project

¶1. (SBU) Summary: Nadia Levy-Popp, Director of Precursor Chemicals in PGR/SIEDO, recently shared with Emboffs a report that reviews the status of precursor controls in Central America (below). Levy-Popp stressed the importance of training to the development of new precursor regimes in Central America and to building the key relationships that will strengthen the region's ability to control precursors in the wake of Mexico's improved legal and enforcement framework. Levy-Popp urges a major training effort from June to September 2009 in either ILEA San Salvador or Mexico City, supported jointly by the GOM, the USG, and the United Nations Office on Drugs and Crime (UNODC). End Summary

EMPHASIS ON TRAINING EFFORT FOR THE REGION

¶2. (SBU) NAS Director and DEA Analyst met December 17 with Nadia Levy-Popp, Director of Precursor Chemicals in PGR/SIEDO, and formerly on contract as an advisor to the USG to work throughout Central America and the Southern Cone developing new legal tools to control the flow of precursor chemicals. Levy-Popp is working on Mexico's precursor regime but remains focused on the region as well. She shared with us a paper -- Reduction in Imports in Central American and Southern Cone, Strengthening the Mechanisms of Control -- which derives from the project she has been working on for the past year. A translation of the paper is included below.

¶3. (SBU) Levy-Popp made two key points with regards to the future of the effort to strengthen precursor controls. First, she believes keeping Mexico engaged is crucial, as Mexican officials will often have success in bringing together their Central American counterparts, where U.S. officials might be less successful. Second, regional training is vital to the effort. In addition to the improved capacity it brings, training leads to networking among the various officials who will be working on precursor controls, always in a cross border setting, and opens doors for those providing the training to high level officials throughout the region. Levy-Popp urges a joint program by the USG and GOM, with UNODC involved in support as the provider of key software. She suggests a training effort from June to September 2009, held either in Mexico City or ILEA San Salvador, in which participants are provided computers and software which they would train on and then take back to their home country.

REPORT ON STRENGTHENING THE MECHANISMS OF CONTROL

¶4. (SBU) Levy-Popp provided Emboffs with a report on the precursor control project, a translation of which is provided below:

Begin Text

Title: Project -- Reduction in Imports in Central American and Southern Cone, Strengthening the Mechanisms of Control

CENTRAL AMERICA DEVELOPMENTS (APRIL 2007)

-- Regional initiative to strengthen control mechanisms in Central America: US Embassy in Mexico, GOM in coordination with authorities from the region.

-- Training in: chemical identification, diversion techniques, auditing techniques, NDS system and the COFEPRIS experience (strategy to reduce imports), and PGR/SIEDO (presentation of diversion cases).

-- Meetings with authorities to raise awareness on the problem of diversion in the region and the necessity to update controls and implement new mechanisms.

-- Coordination was handled by the Ministry of Health which has a legal basis to strengthen regulations on narcotic, psychotropic and chemical substances.

OBJECTIVE: Confirm the legal destination of precursor chemicals and prevent diversion in Central America to Mexico and the United States.

FACTS:

-- Drastic reduction in imports to Mexico since 2004 and their subsequent cancellation in 2008.

-- Lack of controls in Central America with respect to the import and distribution of pseudoephedrine (raw materials and finished pharmaceutical products).

-- The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances requires control of raw materials, not finished pharmaceutical products.

-- Result: Increase in illegal imports of pseudoephedrine to Central America and the possible diversion of raw materials and finished pharmaceutical products in internal chains of distribution.

NORTH AMERICA:

-- When the US and Canada strengthened their control mechanisms through changed legislation, diversion moved to Mexico which peaked at a legal import of 216 tons in 2004.

-- In a 2007 report, the International Narcotics Control Board (INCB) warned that the multilateral chemical control initiative Project Prism had led to a new trend in diversion; contraband in the form of finished pharmaceutical products transit Central and South America through internal chains of distribution toward North America.

CENTRAL AMERICA STRENGTHS:

-- Signatory states of the 1988 Convention.

-- Participants in OAS/CICAD.

-- General legislation on chemical precursor control exists, but an update addressing finished pharmaceutical products and efficient enforcement is necessary. Some cases require substantial reform or emission of concrete laws that state the Convention's commitments and controls.

CENTRAL AMERICA WEAKNESSES:

-- Varied difficulties using the NDS 6.0 and PEN Online Systems (INCB), except in Costa Rica.

-- Limited coordination between the responsible authorities (Ministry of Health, customs, law enforcement, and prosecutors).

-- Health authority's limited involvement with the pharmaceutical industry (self regulation).

-- Lack of material resources and sufficient capable staff.

PROGRESS BY COUNTRY:

PANAMA:

-- Currently analyzing imports against therapeutic needs and pushing for the reformulation of pharmaceuticals by 2010.

-- The list of controlled substances has already been approved by the National Commission for the Study and Prevention of Crime Related to Drugs (CONAPRED) in accordance with Law 19, to be published in the Official Gazette.

NICARAGUA:

-- July 25, 2007, Ministerial Resolution 223 - 2007: pseudoephedrine and ephedrine were included in the list of psychotropic substances and are controlled as such. Pseudoephedrine and products containing it are controlled through import/export permits.

-- Currently drafting a Ministerial Resolution to prohibit the import and sale of pseudoephedrine in Nicaragua.

EL SALVADOR:

-- Incorporated the diversion concept into the Regulatory Law of Activities Related to Drugs and established civil sanctions and penalties for the diversion of pharmaceutical products.

-- September 3, 2008, Agreement for the control and handling of pseudoephedrine: fixes import quotas based on actual consumption, sets a one-year deadline for the removal of the chemical from over the counter drugs, and requires products with the chemical to be restricted to retained-prescription only.

BELIZE:

-- June 21, 2008, Statutory Instrument 72: prohibits the import of pseudoephedrine, ephedrine and pharmaceutical products that contain them.

COSTA RICA:

-- The Costa Rican Drug Institute (ICD) is working to control products that contain substances from Table I of the 1988 Convention, limiting their sale by medical prescription.

-- Once these controls exist, they plan to issue specific instructions to pharmacies for registering sales of these drugs and establishing limits on quantities sold.

-- Until the list of controlled substances is modified, the national pharmaceutical industry, importers, and wholesale distributors have the option of reporting imports/exports of these types of medications on a voluntary basis to the ICD.

-- The modification of the list of controlled substances will strengthen import/export permits on any medication that contains substances from Chart I.

HONDURAS:

-- The Ministry of Health convened a "Commission to Reform the Legal Framework."

-- June 4, 2008, Ministerial Agreement 997: calls for a 90% reduction in pseudoephedrine and ephedrine imports. The substances must be distributed solely by authorized establishments exclusively for medical use and by retained-prescription. The agreement also calls for the reformulation of existing pharmaceuticals.

-- An additional proposal seeks to prohibit the use of pseudoephedrine and ephedrine in cold remedies

-- Within the framework of the National Council against Drugs, Honduras has also created an inter-institutional commission to control precursor chemicals.

GUATEMALA:

-- The Ministry of Health is working on the "Guatemala pseudoephedrine free" project to control the import of products containing the precursor and to establish a substitute.

-- Their goal is to reach complete independence from imports by 2010.

TRAINING:

Courses have allowed us to gain the trust of officials involved in controlling chemical precursors from health agencies, customs, federal police forces, drug enforcement, the judiciary, and national drug councils.

-- Immersion Course: October 6-10, 2007, Mexico City, included Central American agencies.

-- Training Course for the Judiciary

-- Training Course in Belize

-- Training Course in Paraguay

-- Training Course in Peru - "6 Fronteras"

-- NDS y PEN Online training (coordinated with UNODC)

CONCLUSIONS:

-- The Seminar on Chemical Control has helped Central America raise consciousness and further recognize the dangers posed by synthetic drugs highlighting the importance of control mechanisms.

-- Due to a lack of control over finished pharmaceutical products it has been difficult for authorities to determine what is legally imported in each country and whether imports have increased over recent years.

-- Diversion moves from region to region in search of a lack of legislation and norms.

-- While the number of countries with strengthened mechanisms on raw materials increases, traffickers take advantage of loopholes in legislation to divert finished pharmaceutical products.

-- Also, as international controls regarding finished pharmaceutical products improve, traffickers develop new methods and diversion routes, relying on internal distribution chains, taking advantage of lax or non existent regulations.

End Text

BASSETT